

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID PETWAY,

Plaintiff,

v.

Case No. 13-10314

Hon. Lawrence P. Zatkoff

HSBC BANK USA NATIONAL
ASSOCIATION and WELLS FARGO
BANK, N.A.,

Defendants.

OPINION AND ORDER

On February 8, 2013, this Court issued an Order to Show Cause against Plaintiff, wherein the Court stated, in part:

. . . The Court notes that Plaintiff's Complaint was filed by attorney Emmett Greenwood, an attorney who has filed in excess of 50 substantially similar and substantively identical cases in the Eastern District of Michigan. The Court further notes that the claims set forth in Plaintiff's Complaint are identical to claims set forth in several cases previously assigned to the undersigned, each of which has been dismissed with prejudice upon a motion to dismiss filed by the defendant(s) in those cases. *See, e.g., Yousif v. Deutsche Bank Ntl. Trust Co.*, No. 12-11387, E.D. Mich. (March 27, 2012).

In *Yousif*, as well as the many cases cited in the Court's Opinion and Order dismissing the *Yousif* action, Mr. Greenwood filed a cookie-cutter complaint that lacked any legal merit. As noted above, Plaintiff's Complaint is substantively identical to the Complaint filed in *Yousif*; the only difference between the two Complaints is that Plaintiff's Complaint does not include the Unjust Enrichment claim set forth in the *Yousif* complaint.

Accordingly, because the *Yousif* complaint was wholly lacking in any meritorious legal claim, the Court now ORDERS

Plaintiff TO SHOW CAUSE why his Complaint should not be dismissed pursuant to Fed.R.Civ.P. 12(b)(6), for the same reasons set forth in this Court's January 8, 2013, Opinion and Order in the *Yousif* case (Case No. 12-11387, Docket #16). Plaintiff shall file his response to this ORDER TO SHOW CAUSE on or before March 4, 2013. In the event Plaintiff fails to file a timely response to this ORDER TO SHOW CAUSE, Plaintiff's cause of action shall be dismissed with prejudice for failure to prosecute and for failure to state a claim upon which relief can be granted, pursuant to Fed.R.Civ.P. 12(b)(6).

Plaintiff has failed to file a response of any kind to the Court's February 8, 2013, Order to Show Cause. Accordingly, pursuant to the terms of the Court's February 8, 2013, Order to Show Cause, the Court hereby DISMISSES Plaintiff's cause of action: (a) for failure to state a claim upon which relief can be granted, pursuant to Fed.R.Civ.P. 12(b)(6), and (b) for failure to prosecute his case. Dismissal shall be with prejudice. Judgment shall be entered accordingly.

IT IS SO ORDERED.

Date: March 7, 2013

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE